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09/173,090	10/15/1998	TIMOTHY ROY BLOCK	RO998-088	1258

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EXAMINER

PEZZLO, JOHN

ART UNIT	PAPER NUMBER
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2662

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14

Please find below and/or attached an Office communication concerning this application or proceeding.



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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No.14

Application Number: 09/173,090

Filing Date: 15 October 1998

Appellant(s): Block et al.

MAILED
DEC 15 2003
Technology Center 2600

Steven W Roth

For Appellant

EXAMINER'S ANSWER

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This is in response to the appeal brief filed 15 September 2003.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of claims contained in the brief is incorrect. A correct statement of the status of the claims is as follows:

Claims 1-63 been amended subsequent to the rejection, paper number 10, mailed 9 April 2003.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments contained in the brief is incorrect.

The amendment filed on 18 November 2003, paper number 13, has been entered.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 1-63 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

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(8) Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is not correct. The claims as amended, 18 November 2003, paper number 13 is the correct and current set of claims.

(9) Prior Art of Record

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal.

5,371,852

Attanasio et al.

12-1994

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-29, 31-35, and 37-63 are rejected under 35 U.S.C. 102(b) and claims 30 and 36 are rejected under 35 U.S.C. 103(a). This rejection is set forth in prior Office Action, Paper No. 10, attached in appendix.

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(11) Response to ArgumentResponse to Argument for Claim Group I (Claims 1, 4-39, and 42-63)

Applicants argue on pages 3-5 of the Appeal Brief that the reference, Attanasio, does not disclose cluster messaging between nodes of a cluster without the use of a dedicated intervening LAN. Furthermore, that Attanasio discloses computer to cluster communication, not cluster node to cluster node communication.

The examiner respectfully disagrees.

Attanasio discloses a cluster of nodes as shown in Figure 2, which comprises nodes 105, 106, 107, 108, and gateway node 109. These nodes are interconnected over network 110. As seen in Figure 2, messages are routed between the nodes (105-108) and the gateway node (109) without requiring an intervening dedicated local area network (LAN). The remote hosts (130) which are outside the cluster (125) communicate to the gateway node (109) over the network (120). As stated in the reference, column 7 lines 14 to 22, Attanasio discloses that the nodes (105-109) are connected by a high speed communication link and this interconnect includes any of the many known high speed methods of connecting general purpose computers together. These interconnects include networks like ethernet, token rings, and computer system buses like a multibus or Micro Channel. The examiner believes based on the reference that the interconnect (110) is not a dedicated local area network. The reference goes on to state, column 7 lines 24 to 30, that the preferred embodiment uses a fiber optic point-to-point switch as the interconnect. A commercially available

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switch is the DX Router, which allows the use of standard Internet Protocol (IP) communication, wherein IP addresses are assigned to the nodes of the cluster. The examiner believes the interconnect is not a dedicated LAN, which would use MAC addresses not IP addresses, and the interconnect is realized using a router not a bridge, which would be used on a dedicated LAN.

Attanasio discloses that all messages are routed through the gateway node (109), refer to column 7 lines 38-41, wherein messages are routed from the gateway router (109) to another node (105-108) through the interconnect (DX router), 110, not a dedicated LAN. As shown in Figure 4, and stated in column 10 line 63 to column 11 line 42, Attanasio discloses that all messages go through the gateway node (109) prior to being routed to the cluster node 1 (105) or cluster node 2 (106) which will perform the needed process on the message. The examiner believes Attanasio discloses cluster node to cluster node communication.

Response to Argument for Claim Group II (Claims 2 and 40)

Applicants argue, on page 5 of the Appeal Brief, that Attanasio does not disclose routing of internal messages within the cluster to hosts outside the cluster.

The examiner respectfully disagrees.

Attanasio discloses that all messages are routed through the gateway node (109), refer to column 7 lines 38-41, wherein messages are routed from the gateway router (109) to another node (105-108) through

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the interconnect (DX router), 110, not a dedicated LAN. As shown in Figure 4, and stated in column 10 line 63 to column 11 line 42, Attanasio discloses that all messages go through the gateway node (109) prior to being routed to the cluster node 1 (105) or cluster node 2 (106) which will perform the needed process on the message. The examiner believes Attanasio discloses cluster node to cluster node communication.

The amended claim 2, refer to paper number 13, is directed to messages sent from one cluster node to another cluster node. As stated above, all messages are routed through the gateway node (109), every message is send to the gateway node (109) from a cluster node prior to being routed to the remote hosts (130) and all internal messages are routed to the gateway node (109), refer to column 7 lines 49 to 53. Therefore, Attanasio does disclose messages sent from one cluster node to another cluster node.

Response to Argument for Claim Group III (Claims 3 and 41)

Applicants argue that Attanasio does not disclose an IP routing one formatted cluster message to a system outside the cluster without requiring a dedicated LAN.

The examiner respectfully disagrees.

As stated in the reference, column 7 lines 14 to 22, Attanasio discloses that the nodes (105-109) are connected by a high speed communication link and this interconnect includes any of the many known high speed methods of connecting general purpose computers together. These interconnects include networks like

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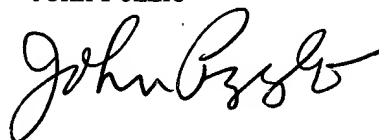
ethernet, token rings, and computer system buses like a multibus or Micro Channel. The examiner believes based on the reference that the interconnect (110) is not a dedicated local area network. The reference goes on to state, column 7 lines 24 to 30, that the preferred embodiment uses a fiber optic point-to-point switch as the interconnect. A commercially available switch is the DX Router, which allows the use of standard Internet Protocol (IP) communication, wherein IP addresses are assigned to the nodes of the cluster. The examiner believes the interconnect is not a dedicated LAN, which would use MAC addresses not IP addresses, and the interconnect is realized using a router not a bridge, which would be used on a dedicated LAN. As shown in Figure 4, and stated in column 10 line 63 to column 11 line 42, Attanasio discloses that all messages go through the gateway node (109) prior to being routed to the cluster node 1 (105) or cluster node 2 (106) which will perform the needed process on the message. Attanasio discloses that the messages are routed using IP routing, refer to column 7 line 56 to column 10 line 62. The examiner believes Attanasio discloses cluster node to cluster node communication using IP routing without the need for an intervening dedicated LAN.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

John Pezzlo



December 6, 2001

Conferees

Hassan Kizou



Hanh Nguyen

